

City of Excelsior
Hennepin County, Minnesota

MINUTES
EXCELSIOR CITY COUNCIL MEETING

Monday, April 5, 2010

Council Chambers

7:00 p.m.

1. CALL TO ORDER

Mayor Ruehl called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Council Members Berghorst, Caron, Fulkerson, Miller, and Mayor Ruehl

Also Present: City Manager Luger, City Attorney Staunton, Public Works Superintendent Wisdorf, City Engineer Kawlewski, and City Clerk Johnson

3. APPROVAL OF MINUTES

a. City Council Work Session Meeting of March 15, 2010

Fulkerson moved, Miller seconded, to approve the Minutes of the City Council Work Session Meeting of March 15, 2010 as presented. Motion carried 5/0.

b. Regular City Council Meeting of March 15, 2010

Fulkerson moved, Miller seconded, to approve the Minutes of the Regular City Council Meeting of March 15, 2010 as presented. Motion carried 5/0.

c. Special City Council Meeting of March 22, 2010

Berghorst moved, Caron seconded, to approve the Minutes of the Special City Council Meeting of March 22, 2010 as presented. Motion carried 5/0.

d. City Council Work Session Meeting of March 22, 2010

Fulkerson moved, Miller seconded, to approve the Minutes of the City Council Work Session Meeting of March 22, 2010 as presented. Motion carried 5/0.

4. OPEN FORUM

None

5. CITY COUNCIL COMMUNICATIONS, QUESTIONS, and REPORTS

The City has received the 2009 Excelsior Fire District Annual Report.

The City's Spring Clean Up is scheduled for Saturday, May 15, 2010.

The Excelsior Rotary and Excelsior Downtown Business Group have a cleanup of the downtown scheduled for Saturday, April 17, 2010.

Remind residents that the City has an agreement with Excel Marina that allows residents to launch their boats at the marina.

A new State Law has been adopted prohibiting the use of plastic lawn and leaf bags for yard waste and leaves.

6. AGENDA APPROVAL

a. Meeting Agenda

Berghorst moved, Caron seconded, to approve the meeting agenda as presented.
Motion carried 5/0.

b. Consent Agenda

Caron moved, Berghorst seconded, to approve the consent agenda as presented.
Motion carried 5/0.

1. A Resolution Establishing Rates for Water and Sewer Utilities, Replacing Resolution No. 2010-03

Action — Adopt Resolution No. 2010-05 — A Resolution Establishing Rates for Water and Sewer Utilities, Replacing Resolution No. 2010-03

2. Special Event/Park Use Permit for Art on the Lake Event, June 12 and 13, 2010 — South Lake Excelsior Chamber of Commerce

Action – Approve Issuance of Special Event/Park Use Permit for Art on the Lake Event

3. Park Use Permit for Baptism on June 27, 2010 — Westwood Community Church

Action — Approve Issuance of Park Use Permit for Baptism

6. AGENDA APPROVAL

b. Consent Agenda - (Continued)

4. Special Event/Park Use Permit for Tour de Tonka Bike Ride, August 7, 2010, Minnetonka Community Education

Action — Approve Issuance of Special Event/Park Use Permit for Tour de Tonka

5. Monthly Building Permit Report — March 2010

Action — Accept for Filing

6. Heritage Preservation Commission Minutes for Filing — February 16, 2010

Action — Accept for Filing

7. Verified Claims

Action — Approve for Payment in the Amount of \$94,858.76, Checks #74605 through #74656

7. PUBLIC HEARINGS

- a. Excelsior Parkland Improvements — Kevin Eisen, Barr Engineering

Kevin Eisen, Barr Engineering Company, addressed the City Council and gave a brief presentation regarding the revised layout of Excelsior Parkland.

- b. Commercial Pier Leases

Council Members Berghorst and Miller volunteered to assist staff with the negotiation of the lease agreements.

9. ORDINANCES and RESOLUTIONS

- a. Second Reading and Adoption of Ordinance No. 453 — An Ordinance to Repeal Excelsior Zoning Ordinance and Adopt Appendix E of the Code of Ordinances, City of Excelsior, Minnesota

Miller moved, Fulkerson seconded, to waive the second reading and adopt Ordinance No. 453 — An Ordinance to Repeal Excelsior Zoning Ordinance and Adopt Appendix E of the Code of Ordinances, City of Excelsior, Minnesota. Motion carried 5/0.

9. ORDINANCES and RESOLUTIONS

- b. Second Reading and Adoption of Ordinance No. 454 — An Ordinance to Amend Article 50-3 of the Excelsior Zoning Ordinance Pertaining to Percentage of Retail Required for Studios Off of Water Street

Berghorst moved, Caron seconded, to waive the second reading and adopt Ordinance No. 454 — An Ordinance to Amend Article 50-3 of the Excelsior Zoning Ordinance Pertaining to Percentage of Retail Required for Studios Off of Water Street. Motion carried 5/0.

- c. First Reading of An Ordinance to Delete Chapter 17, Administrative Penalties and Move Contents to Chapter 3 of the Code of Ordinances, City of Excelsior, Minnesota

Caron moved, Fulkerson seconded, to waive the first reading of the proposed ordinance to delete Chapter 17, Administrative Penalties and move the contents to Chapter 3 of the Code of Ordinances, City of Excelsior, and schedule the second reading and adoption of the ordinance for the April 19, 2010 Council meeting. Motion carried 5/0.

- d. First Reading of An Ordinance to Amend Chapter 32, Article II, Division I, Parking Regulations of the Excelsior City Code to Amend Section 32-62 — Police Parking Only – Tow Away Zone

Miller moved, Fulkerson seconded, to waive the first reading on An Ordinance to Amend Chapter 32, Article II, Division I, Parking Regulations of the Excelsior City Code to Amend Section 32-62 — Police Parking Only – Tow Away Zone and schedule the second reading and adoption for April 19, 2010. Motion carried 5/0.

10. REPORTS of OFFICERS, BOARDS, and COMMITTEES

- a. Planning Commission

1. Proposed Ordinance to Amend Articles 2, 18, and 55 of the City of Excelsior Zoning Code Pertaining to Applicable Storage and Dry Stacking of Boats

Chris Jensen, Planning Commission Liaison, addressed the City Council.

Mayor Ruehl opened the public hearing at 7:59 p.m. Hearing no comments, Mayor Ruehl closed the public hearing.

Fulkerson moved, Berghorst seconded, to waive the first reading of the proposed ordinance to Amend Excelsior City Code of Ordinances Articles 2, 18 and 55 and schedule the second reading and adoption for the April 19, 2010 City Council meeting, as amended to include language that dry stacking is only allowed in the City Parks “pursuant to duly issued City permit”.

11. UNFINISHED BUSINESS

a. Pavement Management Plan

1. Review Comments from Pavement Management Plan Open Houses

The informational meeting with the properties within Phase I of the Pavement Management Plan was scheduled for Wednesday, April 21, 2010 beginning at 6:30 p.m.

2. Authorize Feasibility Study for Pavement Management Plan

Fulkerson moved, Miller seconded, to authorize the Feasibility Study for the Pavement Management Plan as proposed by WSB & Associates, Inc., per their proposal for a not-to-exceed amount of \$10,996.00. Motion carried 5/0.

b. Planning Commission Appointment

Fulkerson moved, Berghorst seconded, to appoint Cindy Busch to serve on the Planning Commission to fulfill the remainder of a term which expires February 28, 2011. Motion carried 3/2, with Caron and Miller voting nay.

12. NEW BUSINESS

a. Schedule Work Session with Heritage Preservation Commission

Fulkerson moved, Miller seconded, to schedule a City Council Work Session with the Heritage Preservation Commission for Tuesday, May 18, 2010, beginning at 6:00 p.m. Motion carried 5/0.

13. ADJOURNMENT

_____ Caron moved, Fulkerson seconded, to adjourn the meeting at 9:08 p.m. Motion carried 5/0.

Respectfully submitted,

Cheri Johnson
City Clerk